

REMARKS

Claim 1 is pending in this application. By this Amendment, claim 1 has been amended and claim 2 has been canceled. Claim 1 is independent. Reconsideration of the application is respectfully requested.

Entry of the amendments is proper under 37 CFR §1.116 because the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration as the amendments amplify issues previously discussed throughout prosecution; and (c) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

I. AMENDMENT

The subject matter of claim 2 has been incorporated into independent claim 1. Thus, no new matter is added.

II. INTERVIEW

Applicant appreciates the courtesies shown to Applicant's representative by Examiner Orlando during the January 25, 2010 telephone interview. Applicant's separate record of the substance of the interview is incorporated into the following remarks.

During the interview, Examiner Orlando confirmed that no new issues are raised by pointing out that Kasai is not proper prior art.

III. THE CLAIMS DEFINE PATENTABLE SUBJECT MATTER

The Office Action rejects claim 1 under 35 U.S.C. §103(a) over PCT Publication No. WO 2001/023069 to Ohno et al. (Ohno) in view of U.S. Patent No. 6,673,414 to Ketchum et al. (Ketchum); and rejects claim 2 under 35 U.S.C. §103(a) over Ohno and Ketchum and further in view of U.S. Patent Application Publication No. 2005/0138908 to

Kasai et al. (Kasai). These rejections are improper due to the incorporation of the subject matter of claim 2 into independent claim 1.

Kasai is a U.S. application that has a filing date of December 8, 2004. On the other hand, the present application is a national stage of PCT/JP 2004/011552 filed August 11, 2004. The present application is an accurate English language translation of the PCT application filed in Japan. Since the PCT filing date of the present application is before the filing date of Kasai, Kasai is not a prior art reference.

Accordingly, withdrawal of the rejections of the claims is respectfully requested.

IV. CONCLUSION

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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